

AMENDED IN ASSEMBLY JULY 15, 1999

AMENDED IN SENATE APRIL 15, 1999

SENATE BILL

No. 192

Introduced by Senator Perata

January 19, 1999

~~An act to amend Section 13480 of the Business and Professions Code, relating to gasoline, and declaring the urgency thereof, to take effect immediately. An act to add Section 43013.1 to the Health and Safety Code, relating to gasoline.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 192, as amended, Perata. Gasoline.

(1) ~~Existing law makes it unlawful to sell specified petroleum products unless a sign or label is posted, as prescribed, that contains specified information relating to the product and its contents.~~

~~This bill would additionally make it unlawful to sell motor fuel that contains at least 1.1% by weight methyl tertiary butyl ether (MTBE) unless a sign or label is displayed that states, "Contains MTBE. The State of California has determined that the use of this chemical presents a significant risk to the environment." The bill would prescribe measurement requirements for the sign or label and would require the sign or label to be displayed within 60 days after the operative date of the bill. By creating a new crime, the bill would impose a state-mandated local program. Existing law authorizes the State Air Resources Board, among other things, to adopt and~~

implement motor vehicle fuel specifications for the control of air contaminants and sources of air pollution.

This bill would prohibit a gasoline refiner, blender, or importer from producing for sale within the state, gasoline that contains methyl tertiary butyl ether (MTBE) in amounts that exceed specified limits. The bill would provide that in no event may gasoline sold in the state contain more than 11% by volume of MTBE. Because other provisions of existing law would make a violation of these provisions a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~*(3) This bill would declare that it is to take effect immediately as an urgency statute.*~~

Vote: $\frac{2}{3}$ —majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 13480 of the Business and~~
- 2 ~~SECTION 1. Section 43013.1 is added to the Health~~
- 3 ~~and Safety Code, to read:~~
- 4 ~~43013.1. (a) No gasoline refiner, blender, or importer~~
- 5 ~~shall produce for sale within this state gasoline that~~
- 6 ~~contains methyl tertiary butyl ether (MTBE) in an~~
- 7 ~~amount that exceeds the amounts specified as follows:~~
- 8 ~~(1) On or before December 31, 2000, the amount of~~
- 9 ~~MTBE that gasoline may contain shall be an amount~~
- 10 ~~equal to or less than two-thirds of the amount authorized~~
- 11 ~~for use in gasoline on January 1, 2000.~~
- 12 ~~(2) From January 1, 2001, to December 31, 2001,~~
- 13 ~~inclusive, the amount of MTBE that gasoline may contain~~
- 14 ~~shall be an amount equal to or less than one-third of the~~
- 15 ~~amount authorized for use in gasoline on January 1, 2000.~~
- 16 ~~(3) On and after January 1, 2002, gasoline containing~~
- 17 ~~MTBE may not be sold in this state.~~

1 (b) For purposes of calculating the amount of MTBE
2 that gasoline may contain pursuant to subdivision (a), the
3 state board shall determine the amount of MTBE
4 authorized for use in gasoline on January 1, 2000.

5 (c) In no event may gasoline sold in this state contain
6 more than 11 percent by volume of MTBE. Professions
7 Code is amended to read:

8 13480. (a) It is unlawful for any person to sell any
9 petroleum product referred to in this chapter at any place
10 where petroleum products are kept or stored for sale,
11 unless there is affixed to each container, receptacle,
12 pump, dispenser, and inlet end of the fill pipe of each
13 underground storage tank, from which or into which that
14 product is drawn or poured out for sale or delivery, a sign
15 or label plainly visible consisting of the name of the
16 product, the brand, trademark, or trade name of the
17 product, and, in the case of engine fuel and kerosene, the
18 grade or brand name designation.

19 (b) When the product is oil, as defined by Section
20 13401, each sign or label shall also have in letters or
21 numerals, plainly visible, the viscosity grade classification
22 as determined in accordance with the Society of
23 Automotive Engineers (SAE) latest standard for engine
24 oil viscosity classification SAE J300 or manual
25 transmission and axle lubricants viscosity classification
26 SAE J306, as applicable, and shall be preceded by the
27 letters "SAE."

28 (c) When the product is automotive spark-ignition
29 engine fuel, except M-85 and M-100 methanol fuel, there
30 shall be conspicuously displayed on the dispensing device
31 at least one sign or label showing the minimum octane
32 number or antiknock index, as defined in Section 13403,
33 of the product sold therefrom.

34 (d) (1) When the product is a motor fuel that contains
35 at least 1.1 percent by weight methyl tertiary butyl ether
36 (MTBE), there shall be conspicuously displayed on the
37 dispensing device at each retail outlet at which the
38 gasoline is sold or offered for sale to the general public for
39 use in motor vehicles, at least one sign or label stating,
40 "Contains MTBE. The State of California has determined

1 ~~that the use of this chemical presents a significant risk to~~
2 ~~the environment.”~~

3 ~~(2) Upon request of the gasoline retailer, the sign or~~
4 ~~label for each dispensing device required by paragraph~~
5 ~~(1) shall be provided to the retailer at no cost by the~~
6 ~~producer of the gasoline.~~

7 ~~(3) The sign or label shall measure six and one-half~~
8 ~~inches in length by four inches in height. The sign or label~~
9 ~~shall be bold in type, consisting of letters not less than 28~~
10 ~~points in height with a stroke of not less than one-eighth~~
11 ~~inch, and shall use black ink on a white background.~~
12 ~~However, the term “MTBE” shall be in bold type and~~
13 ~~consist of letters not less than 72 points in height, and shall~~
14 ~~be printed in red ink on a white background.~~

15 ~~(4) The placement of a label or sign at each retail~~
16 ~~outlet at which the gasoline is sold or offered for sale, as~~
17 ~~required by paragraph (1), shall be completed within 60~~
18 ~~days after the operative date this section.~~

19 ~~(e) When the product is a motor fuel consisting of a~~
20 ~~mixture or premixture of gasoline and oil or~~
21 ~~gasoline-oxygenate blend and motor oil, there shall be~~
22 ~~conspicuously displayed on the dispensing device at least~~
23 ~~one sign or label stating the ratio of gasoline to motor oil~~
24 ~~or gasoline-oxygenate blend to motor oil.~~

25 ~~(f) All signs or labels required by this section for retail~~
26 ~~motor fuel dispensers and containers of more than one~~
27 ~~gallon capacity shall be in letters and numerals not less~~
28 ~~than one-half inch (12.70 mm) in height. On containers~~
29 ~~of one gallon or less, the signs or labels shall be in letters~~
30 ~~and numerals not less than one-fourth inch (6.35 mm) in~~
31 ~~height and one-sixteenth inch (1.59 mm) in width.~~

32 ~~(g) The provisions of this section pertaining to octane~~
33 ~~numbers or antiknock index and motor oil SAE viscosity~~
34 ~~number grade shall not apply to products sold for aviation~~
35 ~~purposes.~~

36 ~~(h) This section shall apply, with respect to thinners or~~
37 ~~solvents, only to the sale, delivery, or offer for sale of the~~
38 ~~products through service stations, garages, and other~~
39 ~~retail outlets.~~

1 SEC. 2. No reimbursement is required by this act
2 pursuant to Section 6 of Article XIII B of the California
3 Constitution because the only costs that may be incurred
4 by a local agency or school district will be incurred
5 because this act creates a new crime or infraction,
6 eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section
8 17556 of the Government Code, or changes the definition
9 of a crime within the meaning of Section 6 of Article
10 XIII B of the California Constitution.

11 ~~SEC. 3. This act is an urgency statute necessary for the~~
12 ~~immediate preservation of the public peace, health, or~~
13 ~~safety within the meaning of Article IV of the~~
14 ~~Constitution and shall go into immediate effect. The facts~~
15 ~~constituting the necessity are:~~

16 ~~In order to protect public health, it is necessary for this~~
17 ~~act to take effect immediately.~~

